P.F. 49897

G. R. S. IX-5]

Previous references. 1895-96

191 .

(L.R.)

File No. 127 of 95

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

Major Part B for October 1896

SUBJECT.

Appeal of Subdivisional Officer of Agalakote village, Malur Taluk, regarding the resignation of the Patel in the village.

W D 1250—GPB—30,000 - 28-1-19

countermarked

Indexed

No. 4327 — General 128 Dy. Bangalore
16th September 1874.

Order — The marginally noted petitions have been addressed to the Chief Commissioner by Kodigedars and others in Government and inam villages in the Kolar District, complaining of the arbitrary demands made by the Public Works Department for the repairs of tanks.

1093 from Papegaud. and others of Anantapur in Mulbagal Taluk.
1095 " Timmayagauda of Kurubarhalli in do.
1096 " Virupakakka of Guete do.
1097 " Anantaiya of Nagamayankanahalli do.

1092 " Ramaiya, te of Yalegondhalli in Betmangala Taluk.
1094 " Aswattha Ramaswamiye of do.
1098 " Veerabadra of Dewarayasamudra, Kolar Taluk.
1099 " Channegauda of Tattamakunte Taluk, Kolar Taluk.
1100 " Anantaiya of Dewarayasamudra, Kolar Taluk.

2. With reference to the first four petitions, the Commissioner is informed that the question of the transfer of the up-keep of Kodigi tanks in Government villages to the officers of

of Government is under consideration, and that until the final decision of that question, no pressure should be put upon Kodigidars in Inam villages for repairs of the tanks."

3. As regards the remaining petitions, which have been received from the Kodigidars of tanks in inam villages and from the Vrittidars (shareholders) of the latter, the Chief Commissioner observes as follows. In regard to Kodagi tanks in Inam villages any disputes arising between the Kodigidars and the holders or vritti holders of such villages regarding the execution of repairs to tanks, should be left for private adjustment between themselves or by a regular revenue suit. The Government should not interfere with the up-keep of tanks in inam villages, except in the following two cases.

I When a tank irrigates ... inam village and

3 and also in a Government village, its up-keep should rest with the Government Officers, the inamdars paying their quota of the cost of such up-keep and of customary labor

II. When the tank of an inam village is in a series, the safety of tanks down below depending in a measure upon its efficient up-keep, the inamdars should be called upon to put it in a thorough state of repair. The option of executing the work should be left to the owners of inam villages themselves in the first instance; and when they fail to perform this duty, or prefer the Government agency for the work, the Revenue Department or the Public Works Department should

should do what is necessary for the safety of the tank. The size of a tank should not be increased, nor its capacity enlarged, unless such a measure is expressly asked for by the Governors concerned.

5. The resolutions above referred to are forwarded to the Commissioners for dispersal in accordance with the foregoing views.

(Sd.) H. Wellesley.

Offg. Secretary.

5

(2)

1881.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 25*th October* 1881.

No. 5841-9.
167.

Passing orders regarding the application of the order about the revision of the settlement of Kodigi inams to the Kodigi tanks abandoned by the Public Works Department.

Mysore Government Press, Bangalore.—28-10-81.—75.

6 (2)

Proceedings of the Dewan to His Highness the Maha Raja of Mysore, (Revenue),—dated 25th October 1881.

READ—

Letter No. 1011—416 of the 14th October 1881, from the Deputy Commissioner of Kolar, enquiring whether the orders conveyed in Proceedings No. 4816-24—138 of the 8th September 1881, regarding the revision of the settlement of Kodigi inams are applicable to the Kodigi tanks abandoned by the Public Works Department.

No. 5841-9—167, DATED 25TH OCTOBER 1881.

ORDER THEREON.—The restoration of kodigi inams could only be made on the condition of the inamdars keeping up the tanks, and the rule cannot therefore be applied without qualification to tanks situated in the series and which have been abandoned for professional reasons. Such cases should be reported for orders with the circumstances under which the tanks were abandoned, and stating whether there is any objection to their restoration. It must be further noted that the orders do not authorize the Deputy Commissioners to restore the inams on their own authority ; but they are to submit a statement of the cases in which restoration is asked for with their recommendation.

R. VIJAYINDRA RAO,
Secretary.

TO—The Deputy Commissioner of Kolar.
All other Deputy Commissioners.
The Inam Superintendent.

(3)

1

1894.

GOVERNMENT OF MYSORE.

PETITION

PROCEEDINGS.

Dated 15*th February* 1894.

No. 13829.
Pet. F. 137-92.

Passing orders regarding the restoration of Jodi Kammadatti Komanur village, Mulbagal Taluk, to Majjigehalli Matt.

Mysore Govt.-C. Press, Bangalore.—5-4-94.—120.

8 (3)

Proceedings of the Government of His Highness the Maharaja of Mysore, (Petition),— dated 15th February 1894.

READ:—

Petition No. 2071 of 1891-92 from Madhvarayachar, Agent of the Majjigehalli Matt, Mulbagal Taluk, praying for restoration to the Matt, of the Jodi village of Kammadatti which is under Government management, and the Vernacular records and reports received with docket No. 1573—353 dated 17th November 1892, from the Deputy Commissioner of Kolar.

No. 13829—Pet. F. 137-92, DATED, BANGALORE, 15TH FEBRUARY 1894.

ORDER THEREON.—The village was taken under Government management in May 1884, as the Inamdar failed to pay the arrears of Jodi and the cost of repairs executed to the village tank, aggregating Rs. 1,827—12—8. The amount of arrears of Jodi due to Government inclusive of the cost of Survey and management, has since been recovered, but the cost of repairs executed to the tank, Rs. 1,000, remains uncollected, and the orders of Government are solicited in regard to this item. The Jodidar through his agent, urges that the repair of the tank was undertaken by the Public Works Department without his consent, and he offers to give up the Kodagi lands held for the support of the tank, if Government forego their claim to Rs. 1,000 and undertake the future repair of the tank. The Deputy Commissioner recommends that the Kodagi Inam may be resumed in case the contribution is remitted.

2. The tank is in an Inam village and irrigates no Government lands. As it is in the Ramasamudram series of tanks, the Kodagidars were called upon to execute the necessary repairs to it, but they transferred the Kodagi lands to the Jodidar and the latter agreed to pay the estimated cost of repairs, Rs. 1,000, to Government in nine instalments, whereupon the repairs were executed by the Public Works Department in 1874. The plea of execution of the work without the consent of the Matt now put forward by the agent of the Matt, is thus without any foundation in fact. But the question of consent is not material, as every holder of an Inam village is bound, as a condition of his Inam tenure, to maintain his tank in due repair, and when he fails to fulfil his obligation in the matter, (as the Matt in this case has failed), the Government, under standing orders long in force, has a perfect right to carry out the necessary repairs and to recover the cost thereof from the defaulting Inamdar as a Revenue demand. It is not the intention of the Government to relieve the Inamdar in the present case from the obligation in question, as it is most undesirable to do anything which would have the effect of weakening the general rule relating to such obligations.

3. The rules for the enfranchisement of Kodagi Inams apply only to such Inams granted in respect of Government tanks, not to those granted for Inam tanks; the latter are continued to be held subject to the original conditions of maintenance and up-keep attached to the grant, and the holder of the Inam village has a right to proceed against his Kodagidar for any neglect of the Kodagi conditions. In the present case, however, the Matt has acquired the Kodagi lands and therefore the Kodagi obligation of maintenance and the correlative right to demand maintenance both vest in the Matt.

4. It is moreover admitted that the Matt has been in the enjoyment of the produce of the Kodagi lands from 1874, and as the value of the Kodagi Inam thus enjoyed by it is Rs. 55 per annum and amounts for the twenty years since 1874 to Rs. 1,100, the request for a remission of the cost of repairs is unreasonable. On the other hand, it appears that the income of the village has for several years been barely sufficient to meet the Jodi and other annual charges, and that the arrears of Jodi and the cost of Survey had been paid by the Matt in small instalments from sources other than the income of the village. Under these circumstances, Government are pleased to remit Rs. 500 as a matter of grace, and to direct the recovery of the balance of Rs. 500 from the Jodidar.

5. If this amount be paid before the end of May 1895, the Deputy Commissioner will proceed to effect a settlement of the accounts of receipts and expenditure of the village since it was taken over by Government and after recovering any further sum which may be found due to Government, restore the village to the Joddar. If the settlement discloses a balance in favor of the Inamdar, the excess should be refunded to the Matt. On failure however of the Inamdar to pay the amount of Rs. 500 before the end of May 1895, the village must be resumed.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioner, Kolar District, with records.

(4)

1894.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 22nd June 1894.

No. 22873-81.
R. F. 286-92.

Laying down instructions for the maintenance and repair of minor tanks; and directing the Deputy Commissioner to follow them in the case of the Nelligunté tank, Registered No. 82, in the Devanhalli Taluk.

M. G. C. P., Bangalore.—4-7-94.—120.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 22nd June 1894.

READ :—

Letter No. 153, dated 10th August 1893, from the Deputy Commissioner, Bangalore District, pointing out the necessity for early repairs to Nelligunte tank, Registered No. 82, the revenue of which is less than Rs. 300, with a view to ensure the safety of Kolatur tank situated below it, and stating that the raiyats whose duty it is to undertake the said repairs, plead their inability to do so.

No. 22873-81—R. F. 286-92, DATED, BANGALORE, 22ND JUNE 1894.

ORDER THEREON.—The general rule is that when the raiyats concerned refuse to do earth-work to a minor tank requiring to be repaired, its repair by Government at its own exclusive cost can be undertaken only in the indefinite future.

2. Whenever the raiyats are willing to do the earth-work, the Government will *at once* do any masonry and stone work required.

3. In the case of minor tanks, the raiyats' duty in regard to *annual* maintenance should be duly enforced, so that a tank needing repair should not become worse and worse year after year, from want of the ordinary annual repairs.

4. Where such annual maintenance is regarded as insufficient for the safety of tanks below, or of a railway line, the Deputy Commissioner should bring the matter to the notice of the Executive Engineer, forwarding at the same time, a copy of his opinion to the Secretary to the Government, Public Works Department. Thereupon the Department of Public Works will make careful enquiry, and decide if the repair should be at once taken in hand as an exception to the ordinary rule (see para 1 above), for the safety of other Government tanks or a railway line, and needful action will follow such decision.

5. In the case of the Nelligunté tank, the subject of the present reference, the Deputy Commissioner will follow the rule laid down in the last preceding para.

T. ANANDA ROW,
Chief Secretary.

To—The Secretary to the Government of Mysore, Public Works Department, with spare copies for distribution to Executive Engineers.
The Deputy Commissioners of Districts, with spare copies for distribution.

End.—K.S.

Re-committed to be a
Copy of the order of 1874
and a copy of No 13829
dated 5th July 1877 which contain orders on the
subject

A statement
that a claim to
an important
servitude has been
allowed to remain
unasserted for a
state of disrepair
so long as the Kadzi
duties leading customs
as declared
in the order of 1874
and as further
explained by
the Commissioner
No 13829 of 7137-92
which lays down
that "the holder
of the main village
has a right to proceed
against his Kadzi for
any neglect of
the Kadzi conditions"
It is not necessary
now to prescribe
the mode of enforcing
this liability, only
the main

was created with
the Kodiya conditions
attached thereto
the Govt cannot
relieve itself of its
duty which the
mandamus is
enforcing this Kodiya
-dars liability.
But as already
observed this
question does
not arise in
this instance.
The Govt
will retain in
the case
when the repairs
of the canal has
been completed.

30.9.96

Draft Pro Submitted
Sd
2/10/96

13

(5) 189[illegible]

Stamp Officer's
Order complied & was placed
more than a year ago
Said proceedings

L.R. 127-95-1

No. 1999

Name of Petitioner, Subba Chetta and Irumula Chetta

Village, Coyatandoi Jodidars of

Taluk, Gudur

District, Nellore

Date of Arzi, 6-12-95

Date of Receipt, 6-12-95

Date of Disposal,

No. of Enclosure, 5

ABSTRACT.

Appealing against the decision of the Deputy Coll. Nellore Dt. in forming Petrs to have their claims settled in the Civil Court by filing a suit against the Kadajidars of the above village for the repair of the tank belonging to the village.

State that the Ayacutte tank breached in the last year rains owing to the want of attention paid by the Kadajidars Jodidars towards

and the repair of the tank; that Inam lands have been given to the Nadagidars on the condition that they should preserve the tank in good order at their own cost; that the Nadagidars having refused to have the tank repaired, Pets complained to the Peasha Amildar, who, having summoned the Nadagidars, took their depositions in which they say that they would not execute the repairs; that upon this the Amildar told them to have their dispute settled in the Civil Court; and that upon Pets' appeal to the Dy Court he returned the same answer and added that in case the godidars failed to get the tank repaired, ~~Govt would~~ the repairs would be executed by Govt the cost thereof being collected of the Pets.

The grounds for appeal are as follow:-

(1) That the case is not one ~~in~~ which has to be decided in a Civil Court since it has been settled during the Inam Settlement that the Nadagidars should execute the repairs

(2) That as stated in the Inam Register the Inam Lands are given to the Nadagidars for building the tank and preserving it in good order.

(3) That since Govt have elected to settle these Inams, the present case is one in which Govt ~~should~~ interference is necessary

Pray that the matter may be taken up by Govt and orders may be issued to have the repairs executed by the Nadagidars.

MBen
13/12-

Draft 20-12-95

25/12/95

17

Enc 7

Pet 5

1199

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.R. 127-95-2

The accompanying Petition No. 1199

dated 6-12-95 received at the

Dewan's Office from Subba Bhatta &

Sreenivasa Bhatta Pujaris of Agalu

- Post Malur, Taluk, appealing against

the Deputy Commissioner's order in Civil

petitioners to the Civil Court, in the

dispute between themselves & the Toda

- Pujaris of the above village, under Sec

Byelaw, & to report

- is forwarded, together with its Enc

enclosures, to the Deputy Commissioner

Kolar District for Report.

By Order,

Draft

BANGALORE,

21-12- 1895

Rev.

Chief Secretary.

M.G.C.P.B.—19-2-95—1,000.

1896

No. 3731

Name of Petitioner, Subba Bhatta Joshida of

Village, Agalkote

Taluk, Malur

District, Kolar

Date of Arzi, 15.5.96

Date of Receipt, 16.5.96

Date of Disposal,

No. of Enclosure, 1

ABSTRACT.

In continuation of his appeal now pending before the Govt. & Whn. is ann to the as per endorsement recd. to the Dy Comm for report. States that whereupon the Dy Comm on 12.2.96 took his (petr's) depositions & submitted to the Dy Comm whose order was communicated by the Asst. Comr's endorsement hereunto enclosed. The order states that the Joshidar is responsible to the Govt that the amount estimated must be collected in full from him & that unless the amount is collected the repairs should not be done; that the Kodagi tax is responsible to the Joshidar; that the Joshidar may sue the Kodagi tax in the Civil Courts; that the amount estimated for the repairs of the tank must be paid to the Taluk Office within a week & that if no paid a recommendation will be made to the Govt for abandoning the tank.

Prays therefore

Ha. Calmpsd

hatsp.

6. The report called for on 21/2/95 has not yet been received.

Asstt. Comr. Kgf

6/96

Drafted 2/6/96

K.R. 127-95-3

says therefore
that orders may issue that neither
Dt. nor the J.K authorities shd
ress for repair of the tank
for orders to have the repairs
ented by the Kodagidars ac
er Rs.nnn -
for orders that if the repairs is
ot done by the Kodagidars, to
ave their whole rights to the Kodagi
ndo transferred to the Jodidars
for orders that if such transfer
made to the Jodidars, to collect
? of the contribution amount from
m (Jodidars) — the Government -
aying the remaining 2/3 rds.
) for orders to the Dt. not to finish the above
rder (of the Asst.) into execution.
K.C.S.K.
22.5.96.

1731/R

Encl-1
3731
25-8-98

Gen. 31.]

REVENUE DEPARTMENT
189 Vol. No. 2183
Gen. No. 782
JUN. 06
DEWAN'S OFFICE.

From The Deputy Commissioner
Kolar District

To
Revenue & General
The Secretary to the
Govt of Dewan of Mysore.

G. R. 127-95-4

Dated 6th June 96

Despatched 6th do.

Received

General No. 4652
No. 1305

Enclosure No. 1 file

Re Working on the restoration of irrigation sources Breached during recent floods

---

Sir

I have the honour to forward herewith the petitions noted in the margin praying for the restoration of the irrigation sources breached during the recent floods.

2. The petitioners state that the tanks are in charge of the Revenue Department and that the Public Works Department have nothing to do with them.

3. I have the honour to request that the petitions may be forwarded to the Public Works Department for disposal.

I have the honour to be
Sir
Your most obedient servant
Deputy Commissioner
Kolar District

Rev: Dept
8/6/96

Please arrange for the disposal of such tanks as may be found to be in charge of the Revenue Department.

9/6

Sir

I have the honour to forward herewith the petitions noted in the margin praying for the restoration of the irrigation sources breached during the recent floods.

2. The petitioners state that the tanks are in charge of the Revenue Department and that the Public Works Department have nothing to do with them.

3. I have the honour to request that the petitions may be forwarded to the Public Works Department for disposal.

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Sir
Your most obedient servant
Deputy Commissioner
Kolar District

Rev: Dept
8/6/96

Please arrange for the disposal of such tanks as may be found to be in charge of the Revenue Department.

9/6

21

The Superintending Engineer
Kolar Circle

Petns have been presented and letters requesting Petns Nos 3731 of 15/5/96. The Offg Supdg Engr of the Division should also be requested to furnish reports.

Submitted in reference to the 2nd Commissioner's endorsement No. 1222 of

AE 17/6/96 AE 18/6 18/6/96

Submitted the reports are incomplete. I want the orders to be cancelled and the reports to be called for from the Engineers under which the petitions were transmitted to me.

19/9/96

The file may be returned to the Deputy Commissioner

21-9-96

Returned

Submitted to the Superintending Engineer

24/9

Kolar District Deputy Commissioner's office

Dated 5th June 1896.

To

The Chief Secretary to the
Government of Mysore.
Revenue and General Departments

Sir;

Adverting to your Nos. 1199 and 2056
dated 21st December 95 and 2nd instant respectively, I have the honor to inform you that the jodry Agalakote tank of Malur Taluk was breached by heavy floods in the year 1894, and it seems to occupy an important place in the series, there being 7 upper and 3 lower Sarkar tanks below the Madras Railway line

2. As the speedy restoration was considered necessary, Mr C. Madiah in the report of the Circle, ordered that the jodidars should repair the tank early, and the disputes between the Kodagidars and jodidars in respect of the restoration of the tank should be settled between themselves by recourse to a Civil Court on the authority of the Chief Commissioner's proceedings No 4327—128 dated 16th September 1874.

3 Under the above circumstances

9

3 I think the Government is equally interested in the upkeep of the tank with the Poroidars. The Kodagidars being in possession of Kodagi Lands which are not enfranchised, they cannot be allowed to enjoy the same without performing its attendant duty. I have therefore issued orders to the Amildar to inform the Kodagidars that if they fail to restore the tank to good condition within six months, the Lands would be attached and the same granted to Poroidars on the condition of their conforming to the conditions of the original grant—

4 The Papers under reference are herewith attached—

I have the honor to be
Sir;
Your most obedient Servant

[redacted]
for Collr & Dy Commissioner
Kolaba

(1) Proceedings of the Govt dated 12-10-96

L.R. 127-95-5

Read:-

Petitions Regd Nos 1999 and 3731 dated 6th December 1895 and 15th May 1896 respectively from Subbabhatta and another Joisdars of Agalkote in the Malur Taluk, appealing against the order of the Deputy Commr of Kolar holding the petitioners responsible for the repair of the tank in the said village and referring them to the Civil Courts in the matters of the dispute between themselves and the holders of Kodagi inams granted in respect of the ~~temple~~ tank, regarding the liability to execute repairs to the tank

(2) Letter No 4652/1305 dated 5th June 1896 from the Offg. Deputy Commr Kolar Distt, reporting that the tank in question seems to occupy an important place in the series, there being seven upper and three lower

Govt tanks above the Madras Railway line, that the order complained of was made under the authority of the Chief Commrs Progs No 4327-728 dated 16th Septr 1874, and that as the Govt is equally interested in the upkeep of the tank with the Jodidars, and the Kodagidars in possession of unenfranchised Kodagi lands, are not to be allowed to enjoy the same without performing the attendant duty, he has issued orders to the Amildar to inform the Kodagidars that if they failed to restore the tank within six months, the lands would be attached and the same granted to the Jodidars on condition of their conforming to the conditions of the original grant

25

Order No. 3849/Rt598 dated 15/21-10-96

It is surprising that a tank in an important series has been allowed to remain breached and

in a state of disrepair so long.

2. The Kodagoderas' liability to maintain the tank in due repair continues, as declared in the* ~~case of~~ ~~1873~~, and as further expounded by Govt Progs Nos 13329- P.F. 137-92 dt 15th July 1894 which lay down that "the holder of the Iranawilleya has a right to proceed against the Kodagoderas for any neglect of the Kodagi conditions".

3 It is not necessary now to prescribe the mode of enforcing this liability, but if the Iranawilleya created with the Kodagi conditions attached thereto, the Govt cannot relieve itself of its duty to help the Iranawilleya in enforcing the Kodagoderas liability. But as already observed this question does not arise in this instance

* Chief Commrs Progs Nos 4827-Gen 123 dt 16-9-76

4 The Agt. Commr will report in due course when the repair of the tanks has been completed. The Mamdar's obligation before the tank is condemned and must be duly enforced.

Draft
C2

For Secretary

11/10/96

To
The Agt Commr
Kolar District

Subd

The Jodidars in their petition say:-

[illegible]

If so, the question would seem to arise

Ans. There is no report on that point & from the tenour of the Offg Dr Comm's report it may perhaps be presumed that the correctness of this allegation is conceded.